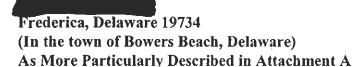
# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

In the Matter of the Search of

(Name, address or brief description of person or premises to be searched)



SEARCH WARRANT Misc. No. 05- 1 M - M FT

TO: Special Agent Scott Curley and any Authorized Officer of the United States

Affidavit(s) having been made before me by <u>Special Agent Curley, ATF</u> who has reason to believe that <u>on the person of or X</u> on the property known as(name, description and/or location)

Frederica, Delaware 19734 (in the town of Bowers Beach, Delaware), as more particularly described in Attachment A,

in the District of <u>Delaware</u> there is now concealed a certain person or property, namely (describe the person or property)

See Attachment B

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime — 6:00 a.m. to 10:00 p.m.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to <u>U.S. Magistrate Judge Mary Pat Thynge</u> as required by law.

U.S. Judge or Magistrate Judge

October 20, 2005

Date

at Wilmington, Delaware

City and State

U.S. DISTRICT COURT

DISTRICT OF DELAWARE

Judicial Offic

Name and Title of Judicial Officer

O 93 (Rev. 5/85) Search Warrant

## RETURN DATE WARRANT DATE AND TIME WARRANT COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT RECEIVED **EXECUTED** WITH 10-24-2005@9:302 10-20-2005 BART L. MARTINEZ INVENTORY MADE IN THE PRESENCE OF SIA JASON KUSHERA - ATF INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT 1 SMITH & WESSON MODEL 10006 SEMI-AUTOMATIC PISTOL # TFA9967 WITH MAGAZINE (9) ROUND WITH 9+1 ROUND OF 10 MM AMMO, I SPARE MAGAZINE FOR A SOW MODEL 10006 PISTOL LOADED WITH 9 ROUNDS OF 10 MM AMMO. 2 BOXES OF 50 ROUNDS OF WINCHESTER BRAND 230GRN 45 ACP JACKETED HOLLOW POINTS. LOPENZID STAMD BAGGIES. A SMALL AMOUNT OF MARIJUANA I DELMARVA POWER BILL FOR BART L. MARTINER FREDEIZICA, DE 19734 --- NOTHING FOLLOWS CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

yay C Curly

Subscribed, sworn to, and returned before me this date.

Judge or Magistr

#### Attachment A

#### PREMISES TO BE SEARCHED

The residence of BART LEE MARTINEZ, located at rederica, DE, including all outbuildings and appurtenances thereto and the curtilage thereof, in the town of Bowers Beach, in the County of Kent, in the Judicial District of Delaware.

#### DESCRIPTION OF THE PREMISES TO BE SEARCHED

Frederica, DE, in the town of Bowers Beach. Traveling east bound on the residence is the fourth home on the left. The address for the residence is affixed to the front doorway of the address as well as affixed to the mail box which is directly across the street from the residence. The premises is a single story, cream colored stucco exterior cottage with shingle roof and window on the left and right of the main entrance. The front of the building is on the buildings southern side and face. There is a side entrance on the eastern side of the building and the door also faces south. Both entrances have a metal-framed storm door with glass panels on the top. The doors open out. The storm door on the main entrance is hinged on the right hand side of the entrance with the numbers it. There is a tree in the southwest corner of the residences property, a decorative lighthouse in the south east corner and a UHF/VHF TV antenna on the northwest side of the property.

#### Attachment B

### DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED

- 1. Records that establish the persons who have control, possession, custody or dominion over the property and vehicles searched and from which evidence is seized, such as: personal mail, checkbooks, personal identification, notes, other correspondence, utility bills, phone records, rent receipts, payment receipts, financial documents, keys, photographs (developed or undeveloped), leases, mortgage bills, and vehicle registration information or ownership warranties.
- 2. All documents relating to the acquisition and disposition of firearms by Bart LEE MARTINEZ including but not limited to receipts, notes, correspondences, faxes, pawn tickets and pawn broker reports for the purchase, acquisition, sale pawning or disposition of firearms.
- 3. Firearms and other items pertaining to the possession of firearms, including gun cases, locked safes that could contain firearms or ammunition, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs of firearms or of persons in possession of firearms, and receipts for the purchase and/or repair of all these items.
- 4. All illegal controlled substances as including but not limited to Heroin, Cocaine and Marijuana.

- 5. All items of drug paraphernalia such as pipes, bowls, rolling papers, mirrors, razors, spoons, baggies, capsules, scales, grinders and other items used to ingest, inhale, or inject, illegal drugs.
- 6. All documents relating to the acquisition and disposition of controlled substances by Bart LEE MARTINEZ including but not limited to receipts, notes, faxes and correspondences.
- 7. All of the above listed items to be seized being fruits, instrumentalities and evidence of violations of Title 18, United States Code, Part I, Chapter 44, Section 922 (g)(3), relating to possession of firearms by an illegal drug user.